

REMARKS

In the outstanding Final Office Action, claims 12-16 and 18 were rejected under 35 U.S.C. §101. Claims 12-19 were also rejected under 35 U.S.C. §103(a) over YAMAGUCHI (WO 03/073753), in view of KUMAZAKI (U.S. Patent Application Publication No. 2001/0005374).

Upon entry of the present amendment, claims 12 and 17-19 will have been amended. The amendments to claims 12 and 17-19 should not be considered an indication of Applicants' acquiescence as to the propriety of any outstanding rejection. Rather, Applicants have amended claims 12 and 17-19 in order to advance prosecution and obtain early allowance of claims in the present application.

Upon entry of the present amendment, claims 12 and 18 will have been amended to provide a tie of the methods recited therein to a multiplexer device and a transmitter, insofar as the methods recited therein include generating a transmission stream through multiplexing (claim 12) and transmitting the transmission stream (claim 12), and receiving a transmission stream that was formed through multiplexing and transmitted using a transmitter (claim 18). Insofar as the multiplexed and transmitted streams in claims 12 and 18 include characteristics not inherently present in conventional multiplexed and transmitted streams, the tie to the multiplexer device and transmitter in claims 12 and 18 is a tie to particular devices that satisfies the holding as set forth in *In re Bilski*.

Notwithstanding the amendments to claims 12 and 18, Applicants particularly note the error in the characterization of Applicants' claims as including "steps of generating and transmitting a transmission stream, which are broad enough that the claim could be completely performed mentally or without a particular machine". In this regard, the "transmission stream" in

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claims 12 and 18 has a structure of bursts and content that is not inherently generated and/or transmitted mentally or without a particular machine. Thus, the characterization of the breadth of these claims in the Office Action impermissibly disregards characteristics recited in these claims. Nevertheless, Applicants have amended claims 12 and 18 so as to specify that the transmission stream is generated using a “multiplexer device” and transmitted using a “transmitter” so as to avoid any possible confusion as to whether these claims satisfy the requirements of 35 U.S.C. §101. Accordingly, each of claims 12 and 18 is directed to statutory subject matter under 35 U.S.C. §101. Claims 13-16 are each directed to statutory subject matter under 35 U.S.C. §101 at least insofar as each of these claims depends, directly or indirectly, from independent claim 12. Accordingly, reconsideration and withdrawal of the rejection of claims 12-16 and 18 under 35 U.S.C. §101 is respectfully requested.

Upon entry of the present amendment, each of independent claims 12 and 17-19 has been amended to recite “wherein each of said first burst and said second burst carries all information of the first service and the second service as carried in said third stream”. Accordingly, each of the first and second burst in claims 12 and 17-19 carries all information of the third stream. The third stream is already specified to have “data related to the first service and data related to the second service”, the first stream is already specified to have “data of a first service” and the second stream is already specified to have “data of a second service”. Therefore, the first burst in these claims carries a1.) complete data of the first service, a2.) related data of the first service, and a3.) related data of the second service. The second burst in these claims carries b1.) complete data of the second service, b2.) related data of the first service, and b3.) related data of the second service.

Put another way, each of the first burst and the second burst in these claims carries the data of their own service, and related data of both the first service and the second service, as is clear from the recitations “a third stream having data related to the first service and data related to the second service” and “each of said first burst and said second burst carries all information of the first service and the second service as carried in said third stream” in claim 12.

Figures 6C and 6D of YAMAGUCHI do not disclose Applicants’ claimed structure of a first burst and second burst, even under the Examiner’s interpretation of a “burst” in YAMAGUCHI as being sequences of A1-A3, B1-B3 and C1-C3. That is, any of A1-A3, B1-B3 and C1-C3 in YAMAGUCHI is not disclosed to contain data related to a service of a stream carried in another burst, let alone “all information of the first service and the second service as carried in said third stream”, as in claim 12. Insofar as the Examiner asserts that the “third stream” in YAMAGUCHI is LMN or XYZ in Figures 6C and 6D, there is no possible interpretation of Figures 6C and 6D in YAMAGUCHI as disclosing that all or even any of the information of LMN or XYZ is carried in multiple (two) different of “bursts” A1-A3, B1-B3 and/or C1-C3 under the Examiner’s interpretation.

Similarly, Figure 14A of KUMAZAKI does not disclose the above-noted characteristics of Applicants’ claims. In this regard, the Examiner interprets a “burst” in KUMAZAKI as the A1-A2 sequences, and the B1-B10 sequences, though Applicants’ amended claims now foreclose this interpretation in multiple ways by specifying that a first burst and a second burst include content transmitted in batches in a period of time prior to a pause in transmission (emphasis added). Further, no sequences A1-A2 or B1-B10 is disclosed to contain data related to a service of a stream carried in the other of B1-B10 or A1-A2, let alone “all information of the first service and the second service as carried in said third stream”, as in claim 12. Insofar as the Examiner

asserts that the “third stream” in KUMAZAKI is the C1 or C2 packets in Figures 14A and 14BB, there is no possible interpretation of Figures 14A and 14B in KUMAZAKI as disclosing that all or even any of the information of the C1 or C2 packets is carried in multiple different “bursts” A1-A2 and B1-B10 under the Examiner’s interpretation. Therefore, modification of YAMAGUCHI with teachings of KUMAZAKI would not result the combination recited in Applicants’ amended claim 12.

By way of further explanation, when receiving the first burst in Applicants’ claims, a receiver can show the first service (from the first stream) on a screen and simultaneously store the data related to the first service (from the third stream) and the data related to the second service (from the third stream) in a storing section. When the receiver changes mode (channel) from receiving the first burst to receiving the second burst, the receiver can show the related data of the second service (from the third stream) immediately, because the receiver has already stored the related data of the second service in the storing section when receiving the first stream. After a very brief period, the receiver can then show the complete data of the second service. Accordingly, the characteristics of the first burst and second burst in claims 12 and 17-19 are distinctive and useful to a recipient in that each of the first burst and second burst carries all information of the first service and the second service.

KUMAZAKI does not disclose these features. Rather, KUMAZAKI discloses that a third stream (C1) in Figure 13A is for only one service, and not related to a service of any A packets or B packets. KUMAZAKI specifies that the third stream is for only one service in the paragraph at column 7, lines 38-56. Therefore, KUMAZAKI does not disclose the above-noted features of the third stream and first burst and second burst in claims 12 and 17-19. YAMAGUCHI also does not disclose the above-noted features of the third stream and first burst

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and second burst in claims 12 and 17-19, and is not applied as disclosing these features insofar as the Final Office Action acknowledges at least that “Yamaguchi does not teach the third stream being carried in said first burst and also in said second burst”.

Upon entry of the present amendment, claims 12 and 17-19 will each have also been amended to recite “said first burst and said second burst including content transmitted in batches in a period of time prior to a pause in transmission”. The Final Office Action asserts that bursts in KUMAZAKI would be the compilation of packets in the A1 and A2 series in Figure 14A, as well as the compilation of packets in the B1 to B10 series in Figure 14A. The Final Office Action also incorrectly asserts that C1 packets in KUMAZAKI are “carried in” an A burst of A1-A2 and a B burst of B1-B10. However, packets in the A1 and A2 series and the B1-B10 series in KUMAZAKI are not “transmitted in batches in a period of time prior to a pause in transmission”, as the various packets of these series are dispersed among different transmissions. A “burst” in Figure 14A of KUMAZAKI would be either a defined transmission at time t=1... t=8, or the entirety of transmissions from t=1 to t=8 if read consecutively without pause, and not an A1-A2 sequence or an B1-B10 sequence as asserted in the Office Action. Nevertheless, even the Examiner’s interpretation of a “burst” in KUMAZAKI is foreclosed from reading on Applicants’ claims by the above-noted amendments to claims 12 and 17-19, as the various packets of the A1-A2 series and B1-B10 series are dispersed among different transmissions.

Further, a third stream in KUMAZAKI is shown as “C1” in Figure 14A, and is for only one service. Under any proper interpretation of Applicants’ claims 12 and 17-19, replacement of the multiplexing scheme of YAMAGUCHI with the scheme in Figure 14A of KUMAZAKI would not result in the structure of a periodic first “burst” and second “burst” as recited in claims 12 and 17-19. Rather, use of bursts and streams in YAMAGUCHI would not result in any third

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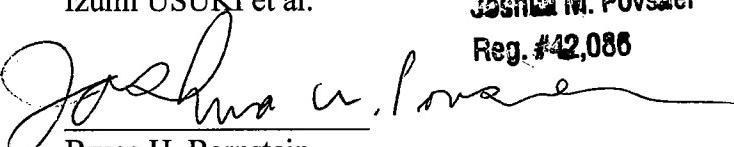
stream having data related to the first service and data related to the second service, or each of said first burst and said second burst carrying all information of the first service and the second service as carried in said third stream, as in Applicants' independent claims.

As set forth above, the documents applied in the Final Office Action do not disclose numerous features of the combinations recited in Applicants' independent claims 12 and 17-19. Accordingly, independent claims 12 and 17-19 are believed allowable over the documents applied in the Final Office Action. Claims 13-16 are allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

Any amendments to the claims in this Response, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
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